

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

ANTHONY BUCCI

No. 04-cr-10194-RCL

**DEFENDANT'S REPLY TO THE GOVERNMENT'S OPPOSITON
TO THE DEFENDANT'S MOTION TO SEVER COUNT FIVE**

Now comes the defendant, in the above-entitled matter, and files his reply to the government's opposition to his motion to sever Count Five.

In support of his reply, the defendant files his affidavit in which paragraphs 1-3 detail facts showing good cause for the late filing of motions and paragraphs 4-6 contain the factual basis he relies upon and his offer to make an ex parte offer of proof to this Court at sidebar, or during a closed hearing, or during his testimony on the motion to reconsider suppression of his uncounseled statements or to comply with any other procedure this Court suggests for presenting and preserving the issue for later appellate review, United States V. Melendez, 301 F3d 27 (1st Cir 2002). An opportunity to argue the motion to sever Count Five is requested after the offer of proof is made.

Anthony Bucci
By his attorney,

/s/Michael F. Natola

March 7, 2005

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing affidavit has been served the above date, electronically, upon Assistant U.S. Attorney John T. McNeil.

/s/ Michael F. Natola

MICHAEL F. NATOLA